ZRW AF

S&H Form: (10/03)

APPEAL BRIEF FEE TRANSMITTAL

Attorney Docket No.	21.1908
Application Number	09/274,250
Filing Date	March 23, 1999
First Named Inventor	Toshinao KOMURO
Group Art Unit	2174
Examiner Name	Steven Paul Sax

AMOUNT ENCLOSED	$500.00

FEE CALCULATION (fees effective 10/01/03)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	25	- 25 =	0	X $ 18.00 =	$ 0.00
INDEPENDENT CLAIMS	6	- 6 =	0	X $ 86.00 =	0.00

A Notice of Appeal was filed November 23, 2004. No Extension of Time is required. The fee for an Appeal Brief is **$500.00**	$500.00
If Notice of Appeal is enclosed, add ($330.00)	
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee ($110.00)	
Information Disclosure Statement (Rule 1.17(p)) ($180.00)	
Total of above Calculations =	$ 500.00
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)	
TOTAL FEES DUE =	$ 500.00

(1) If entry (1) is less than entry (2), entry (3) is "0".
(2) If entry (2) is less than 20, change entry (2) to "20".
(4) If entry (4) is less than entry (5), entry (6) is "0".
(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

☐ Check enclosed as payment.

☒ Charge "TOTAL FEES DUE" to the Deposit Account No. below.

☐ No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

GENERAL AUTHORIZATION

☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No.	19-3935
Deposit Account Name	STAAS & HALSEY LLP

☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	James T. Strom	Reg. No.	48,702
Signature	James Strom	Date	24 JAN 2005

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on 24 JAN ,20 05
STAAS & HALSEY
By: J Strom
Date: 24 JAN 2005

Docket No.: 21.1908

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Toshinao KOMURO

Serial No. 09/274,250 Group Art Unit: 2174

Confirmation No. 8151

Filed: March 23, 1999 Examiner: Steven Paul Sax

For: VIEWER SYSTEM AND METHOD ALLOCATING A DEGREE OF IMPORTANCE TO A NETWORK ADDRESS BASED UPON FREQUENCY OF DISPLAY

APPEAL BRIEF UNDER 37 CFR § 41.37

Mail Stop Appeal Brief- Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In a Notice of Appeal filed November 23, 2004, the applicants appealed the Examiner's July 8, 2004, Office Action finally rejecting claims 2-26. Therefore, Appellant's Brief is due January 23, 2005. Appellant's Brief together with the requisite fee set forth in 37 CFR § 1.17 is submitted herewith.

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on 24 JAN ,20 05
STAAS & HALSEY
By: J Skrom
Date: 24 JAN 2005

01/31/2005 EABUBAK1 00000047 193935 09274250
01 FC:1402 500.00 DA

I. REAL PARTY IN INTEREST (37 CFR § 41.37(c)(1)(i))

The real party in interest is Fujitsu Limited, the assignee of the subject application.

II. RELATED APPEALS AND INTERFERENCES (37 CFR § 41.37(c)(1)(ii))

The applicant and the undersigned representative are not aware of any other appeals or interferences that will directly affect or be directly affected by, or have a bearing on, the Board's decision in the pending appeal.

III. STATUS OF CLAIMS (37 CFR § 41.37(c)(1)(iii))

Claim 1 stands cancelled.

Claims 2-26 are pending.

Claims 2-26 stand rejected and are on appeal.

IV. STATUS OF AMENDMENTS (37 CFR § 41.37(c)(1)(iv))

No amendments have been filed subsequent to the final rejection made on July 8, 2004.

V. SUMMARY OF INVENTION (37 CFR § 41.37(c)(1)(v))

Claim 2 recites a viewer (Fig. 1, terminal 12; Fig. 3) to display images on a display unit, the images being accessible by associated uniform resource locators (URLs) (p. 6, lines 18-20). Claim 2 recites a definition management note to store a number of times of display of any image which has been accessed by an associated URL. Claim 2 also recites an importance degree control unit (Fig. 1, 15) to count a number of times of display of any image accessed by the

associated URL (p. 12, lines 20-22), wherein the importance degree control unit outputs the number for storage by the definition management note (Fig. 2, 5th column; page 8, lines 18-21), where the definition management note stores a plurality of URLs that are associated with a plurality of images, each of which respectively corresponds to at least one threshold value that is associated with the image (Fig. 2; page 8, lines 7-15). Finally, claim 2 recites that the importance degree control unit executes a process of setting an importance degree mark, which is to be displayed for the associated URL on the display unit (page 8, lines 17-18, Fig. 10B), when the counted number of times of display of any image accessed by the associated URL exceeds one of the corresponding stored threshold value associated with the image (page 1, lines 13-19).

Claim 13 recites a viewing method performed at a terminal for running a browser, the browser to display Web pages on a display unit of the terminal, the Web pages having associated URLs (page 7, lines 1-5; Fig. 1). The method of claim 13 includes storing a plurality of threshold values for the associated URLs (Fig. 2, 3rd column; page 8, lines 11-13). Claim 13 includes counting a number of times of display of a Web page accessed by an associated URL (page 12, lines 20-22). Claim 13 also includes executing a particular process when the counted number of times exceeds one of threshold values associated with the URL, said particular process including setting an importance degree mark, which is to be displayed for the associated URL on the display unit, when the counted number of times of display of the Web page exceeds the one of the threshold values (Fig. 10B; page 13, lines 1-8).

Claim 16 recites a display method for displaying an image on a display unit, the image being accessible by an associated uniform resource locator (URL). Claim 16's method includes storing a plurality of threshold numbers that are associated with the associated URL. Claim 16 also recites storing a number of times of display of the image that has been accessed by the associated URL. A number of times of display of the image accessed by the associated URL is counted. The number of times of display of the image accessed by the associated URL is compared with a threshold number associated with the associated URL. An importance degree mark, which is to be displayed for the associated URL on the display unit, is set when the counted number of times of display of the image that has been accessed by the associated URL

exceeds the threshold number. See the support above for claims 2 and 13.

Claim 19 recites a browser to display a Web page on a display unit, the Web page being accessed via the Internet by an associated URL. The browser of claim 19 includes a definition management note to store a number of times of display of any Web page which has been accessed by an associated URL, wherein the definition management note stores a plurality of URLs, each of which respectively corresponding to at least one threshold values that are associated with the Web page. Claim 19's browser also includes an importance degree control unit to count a number of times of display of any Web page accessed by the associated URL, wherein said importance degree control unit outputs the number for storage by said definition management note. In claim 19, the importance degree control unit executes a process of setting an importance degree mark, which is to be displayed for the associated URL on the display unit, when the counted number of times of display of any Web page accessed by the associated URL exceeds one of the corresponding stored threshold values associated with the associated URL. See the support above for claims 2 and 13.

Claim 21 recites a process, performed by a browser or a terminal hosting the browser, to allow display of user-activatable indicia of a resource previously loaded by the browser or terminal that is identified by a corresponding Uniform Resource Locator (URL) (Fig. 10D; Fig. 9; page 12, line 18, to page 13, line 3). In claim 21, on an occurrence (page 12, lines 13-14), there is a step of accessing-and-displaying a resource identified by the corresponding URL (page 13, lines 18-20), where the accessing-and-displaying is not a first time accessing-and-displaying a resource identified by the corresponding URL. At a time later than the occurrence, when displaying a user-activatable indicia of the URL, there is a displaying of the user-activatable indicia of the URL with a first visual emphasis that is based on the prior occurrence of accessing-and-displaying the corresponding resource (count indicates prior occurrence, visual emphasis determined by which threshold is reached, page 3, lines 9-21). Upon another occurrence that is later than the occurrence, there is an accessing-and-displaying the same or another resource identified by the corresponding same URL. At a time later than the other occurrence, when displaying a user-activatable indicia of the URL, there is a displaying of the user-activatable indicia of the URL with a second visual emphasis that is based on the prior

other occurrence of accessing-and-displaying the corresponding resource, where the second visual emphasis is different than the first visual emphasis (page 3, lines 17-19; Fig. 2, 3rd and 4th columns; page 11, lines 13-19).

Claim 25 recites a method of a browser displaying different user-activatable visual representations of a URL with increasing access-and-displays thereof by the browser (page 3, lines 17-19). Claim 25 recites that there is an automatic displaying of different user-activatable visual representations of the URL with each of 3 or more different occurrences of accessing-and-displaying web data corresponding to the URL (see Fig. 2, plural thresholds for a URL, count <5, is no emphasis, 5< count <10, 1st emphasis is Level 1, GIF, count >10, Level 3, GIF), where user selection of a user-activatable visual representation of the URL causes corresponding web data to be accessed-and-displayed by the browser, where the access-and-display occurrences follow one another with or without intervening other occurrences of accessing-and-displaying web data corresponding to the URL (page 12, line 18, to page 13, line 8; and well known browser functionality).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 CFR § 41.37(c)(1)(vi))

Claims 2-26 stand rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 6,421,675 to Ryan combined with U.S. Patent No. 5,634,008 to Gaffaney and U.S. Patent No. 6,271,840 to Finseth.

VII. ARGUMENT OF EACH GROUND OF REJECTION PRESENTED FOR REVIEW (37 CFR § 41.37(c)(1)(vii)))

All arguments are directed to the one and only ground of rejection. All citations to "Office Action" refer to the last and final Office Action of July 8, 2004.

A. Claim 2

From the bottom of page 2 to the top of page 3, the Examiner acknowledges that "Ryan et al do not specifically mention the threshold values corresponding to URL, or the subsequent setting of a mark when the counted number of times exceeds one of these threshold values".

Gaffaney is cited as providing these features. More specifically, the Examiner cites Figures 4A-B, column 2, lines 50-63, column 4, lines 42-50, and column 8, lines 5-20 of Gaffaney. As discussed below, Gaffaney does not teach the features of claim 2 for which it is cited.

Network device in Gaffaney not equivalent to URL.

Claim 2 recites "a plurality of URLs that are associated with a plurality of images, each of which respectively corresponds to at least one threshold value that is associated with the image". In other words, each URL corresponds to at least one threshold. In Gaffaney, it is "different network and system failures" that are monitored (column 1, lines 7-9). Gaffaney's introduction to its Detailed Description of the Preferred Embodiment is informative. There, Gaffaney states that "[t]he invention finds its application in present-day complex communications and data processing networks in which a variety of devices or products experiencing a variety of potential problems are managed from central points by network control operators" (column 3, lines 37-41). A resource on a network sends an event when it has a problem. These events are received and processed by a network monitor. In Gaffaney, "any resource in the network" can generate these events and thereby cause the network monitor to generate an alert (column 3, lines 59-67). Communications resources, tape drive units, storage devices, printers, and terminals, communications links, are examples of the types of resources that can generate events.

The Examiner states that thresholds in Gaffaney are used "to determine relevance or importance to a network site" (page 3, lines 5-7). However, the language of claim 2 does not recite a network site. Claim 2 recites URLs and thresholds for comparison to access/display counts thereof. Gaffaney does not mention URLs. Furthermore, it is incorrect to compare a URL to a network site or resource. Network sites/resources are not synonymous with URLs. It is well known that one network site (e.g., a server) can provide many URLs. It is also well known that for multi-host websites designed for load sharing, the same URL could be provided by any number of different network sites (e.g., servers). The rejection is incorrect because claim 2's feature of associating a threshold with a corresponding URL is not found in Gaffaney, whose thresholds are for particular devices rather than URLs.

Gaffaney's threshold is for time, not for counts of URL/image accesses.

Claim 2 recites "setting an importance degree mark ... when the counted number of times of display of any image accessed by the associated URL exceeds one of the corresponding stored threshold value[s]". In other words, a threshold is compared against a count of URL accesses.

Gaffaney mentions that counting and thresholding is well known in the computing and networking arts (column 1, lines 49-50). At column 1, lines 49 to column 2 line 14, Gaffaney describes its prior art and in particular the need in the prior for timers or counters that use time intervals. Gaffaney explicitly states that it "improves on prior art techniques by eliminating the need for maintenance of multiple timers or counters" (column 2, lines 23-29). The specific threshold algorithm of Gaffaney is described at column 4, lines 43-67. The threshold is a time period over which events occur. The number and the time are together one threshold; "this invention provides a moving window by incorporating both time and the number of occurrences into a determination of whether or not a threshold condition has been satisfied" (column 4, lines 64-67). See also the example discussed at column 5, lines 25-49, in particular "[i]f an additional occurrence [event] then arrives ... time is again compared to the date and time ... in order to determine if it is within the threshold time period of one hour" (lines 40-45). See also Figure 4B, boxes 414 and 416, where the threshold is compared to a *time interval*. In sum, Gaffaney discloses a moving window of events and compares the time spread of events to the threshold time. There is no discussion or suggestion of comparing a count of events (URL accesses) against a count threshold.

Claim 2 recites counting accesses of an image/URL. Gaffaney accumulates events that are self-generated and sent by devices. No accesses of the device occur.

Gaffaney does not set an importance degree mark when a threshold is met.

Claim 2 recites "setting an importance degree mark, which is to be displayed for the associated URL on the display unit, when the counted number of times of display of any image accessed by the associated URL exceeds one of the corresponding stored threshold value[s]

associated with the image". The word "mark" has many dictionary definitions.[1] Considering that the "mark" in claim 2 is displayed for a URL on a display unit, the term "mark" can most broadly be interpreted to mean a displayable sign or indication. The word "degree" also has many dictionary meanings, most of which are clearly inapplicable to claim 2. The broadest reasonable meaning of "degree" in claim 2 is "the extent, measure, or scope of an action, condition, or relation <different in degree but not in kind> b : relative intensity <a high degree of stress>", from the Merriam Webster Online Dictionary as of December, 2004. This definition is consistent with the present specification (e.g. "importance degrees" column in Figure 2). Therefore, claim 2 features a mark of degree of importance displayed for a URL when a corresponding access count exceeds a threshold.

The Examiner cites several parts of Gaffaney as teaching setting of such a mark (Office Action, page 3, lines 4-5). These cited portions are discussed in order as follows. Figures 4A-4B show the filling of event slots (Figure 4A) and the algorithm for filling the slots and checking the time interval therein (Figure 4B). Column 2, lines 50-63 have no relation to the nature or occurrence of a displayable degree mark. Column 4, lines 42-50 discuss how a threshold is set and evaluated; no mark is mentioned. Column 8, lines 5-20 also relate only to threshold evaluation.

In further reference to the above-mentioned feature, the Examiner remarked that Gaffaney does not "specifically show details of displaying the importance mark per se on the display unit, but Gaffaney et al do show displaying alert and information marks on a terminal display unit (column 4, lines 1-12 and 26-33) to provide convenient access to the unique identifying information" (Office Action, page 3, lines 11-17). The Examiner then states that "[i]t would have been obvious ... to have the importance marks also displayed on a display unit",

---

[1] 3 a (1) : SIGN, INDICATION <gave her the necklace as a mark of his esteem> (2) : an impression (as a scratch, scar, or stain) made on something (3) : a distinguishing trait or quality : CHARACTERISTIC <the marks of an educated person> b : a symbol used for identification or indication of ownership c : a cross made in place of a signature d (1) : TRADEMARK (2) capitalized -- used with a numeral to designate a particular model of a weapon or machine <Mark II> e : a written or printed symbol (as a comma or colon) f : POSTMARK g : a symbol used to represent a teacher's estimate of a student's work or conduct; especially : GRADE h : a figure registering a point or level reached or achieved <the halfway mark in the first period of play>; especially : RECORD (Merriam Webster Online Dictionary).

implying that Gaffaney discloses a displayable degree/importance mark but omits description of the actual display of such mark. The display of degree/importance marks is reasoned to be obvious. It is true that if Gaffaney actually disclosed a displayable degree mark then it would obvious to display it. However, Gaffaney never discloses or suggests a displayable importance or degree mark. The Examiner cites column 4, lines 1-12. However, the cited portion is silent on marks and the encompassing paragraph at best suggests that a managing operator is notified of a problem within a network. Display of an alert does not imply or necessitate display of a degree mark. Although the Examiner states that "Gaffaney et al show displaying alert and information marks on a terminal display" at column 4, 26-33, this portion discusses programs generating messages and alerts that are intercepted by the network management program. There is no detail of anything being displayed.

In sum, a displayable importance degree mark is in some ways a broad feature, but Gaffaney does not disclose anything close to an importance degree mark.

Counting in Ryan is performed by a search engine server, not a viewer.

Claim 2 recites a number of elements that perform functions such as counting and storing URL accesses. The preamble of claim 2 recites "[a] viewer to display images on a display unit, the images being accessible by associated uniform resource locators (URLs), the *viewer* comprising: ...". Here, the preamble clearly breathes life into the claim and limits the claim to a viewer. The URL counting features in claim 2 are part of a viewer that displays images on a display unit. The capabilities of the viewer are consistent with the meaning of the term "viewer". The Free Online Dictionary of Computing (www.foldoc.org) characterizes a "viewer" as: "<tool> A program to allow a file to be read (or played) . . ." A person uses an individual viewer to control the display of information. A browser is a specific type of viewer or a browser may itself contain different types of viewers.

Ryan states that "the specific embodiments of the present invention are written for applications in which the invention is implemented as ... program instructions [or tailored processors] operated on by a server computer" (column 4, lines 12-19). Ryan discusses "data items stored on a server computer ... " (claim 1), where the URL table 188 is clearly maintained by a search engine server. Nothing in Ryan indicates that the search engine server is "[a] viewer

to display images on a display unit". In Ryan, the "viewers" are clients or "user site computers" 100A-D (Figure 1B). The viewers in Ryan are not described in any detail and are presumably ordinary computers running web browsers. These user sites do not have a management note, an importance degree unit, etc.

This fundamental design difference is apparent in other ways. Claim 2 recites "an importance degree control unit to count a number of times of display of any image accessed by the associated URL", where the preamble indicates that the viewer performs the displaying of accessible URLs. The URL count in claim 2 is the viewer's count. The URL counts in Ryan are combined counts of all URL accesses by many different users or viewers, presumably to meet Ryan's objective of providing "indications of the popularity of the search data" (column 2, lines 21-24).

The Examiner cites Finseth as teaching "viewing the plurality of images and with them all associated with [sic] URL information" (Office Action, page 3, bottom). Very basically, Finseth improves web search results by providing a thumbnail image of a web page in a result list. That is, Finseth appears to discuss including a miniaturized image of a web page in a list of web page URLs. Finseth does not discuss or suggest the features of claim 2 discussed above.

B. Claims 4-9, 12, 13, 16, 19, 21, 25, and 26

As discussed above with reference to claim 2, the Ryan reference does not disclose URL counting in a viewer. Claims 4-9, 12, 13, 19, 21, 25, and 26 more specifically recite of a browser or features thereof. Claims 4-9 recite "said viewer is/being a browser that displays Web pages accessed via the Internet as the images". Claim 13 recites "[a] viewing method performed at a terminal for running a browser, the browser to display Web pages on a display unit of the terminal". Claim 16 recites a "method for displaying an image on a display unit". Claim 19 recites features of "[a] browser to display a Web page on a display unit, the Web page being accessed via the Internet by an associated URL". Claim 21 recites "[a] process, performed by a browser or a terminal hosting the browser, to allow display of user-activatable indicia of a resource previously loaded by the browser or terminal that is identified by a corresponding

Uniform Resource Locator (URL)". Claim 25 recites "[a] method of a browser displaying different user-activatable visual representations of a URL with increasing access-and-displays thereof by the browser".

As discussed above with reference to claim 2, counting in Ryan is performed by a search engine server. The rejection cites Finseth for the teaching viewing URLs and seemingly the inclusion of a thumbnail (ULR information) of a URL with the URL. The prior art, individually or combined, relates to server systems rather than features or operations of a browser. Ryan itself is cited as teaching the recited browser (Office Action, page 4, item 7).

C. Claim 6

Claim 6 recites that "said importance degree mark is a program object that notifies users that a number of times of display of associated Web pages is indicated by a density of color, or by enhancing characters or images being displayed within the associated Web page". The Examiner cursorily rejects claim 6 based on the conclusion that "the degree mark may be indicated by characters being displayed", and cites only Figure 6 of Ryan. However, merely displaying characters cannot be equated with density of color or enhancing characters.

D. Claim 7 and 15

Claims 7 recites "wherein said importance degree control unit updates the counted number of times of display of a corresponding Web page before the Web page is displayed with the browser". Claim 15 recites a similar feature. The Examiner did not address this feature. However, Ryan is cited for providing URL counting. Figure 3B of Ryan shows that displaying ("User selections from *hit list*") occurs before the "*Users Choice hit-list [is]* update[d] *by [the] Surfer trace*". In Ryan, a web page access is counted after it has been displayed by the user's browser.

E. Claims 9 and 17

Claim 9 recites "an automatic registration control unit to register Web pages that have exceeded the stored threshold value to a bookmark". Claim 17 recites a similar feature. In other words, when the viewer/browser detects that the threshold has been exceeded by a Web page, the Web page is registered to a bookmark. The Merriam Webster Online Dictionary indicates that a "bookmark" is often used to refer to "a menu entry or icon on a computer that is most often created by the user and that serves as a shortcut to a previously viewed location". The Examiner cites column 12, lines 25-40 of Ryan. However, this portion of Ryan does not discuss or suggest an automatically created bookmark. The cited portion is only a description of a table that maps web pages to keywords.

F. Claim 13

The rejection of claim 13 is incorrect based on section "B" above. That is to say, claim 13 recites steps performed at a terminal for running a browser that displays Web pages on a display unit of the terminal.

The rejection of claim 13 is also incorrect due to reasons discussed above with reference to claim 2. Like claim 2, claim 13 recites storing a plurality of threshold values for the associated URLs and counting a number of times of display of a Web page accessed by an associated URL. Claim 13 also recites setting an importance degree mark, which is to be displayed for the associated URL on the display unit, when the counted number of times of display of the Web page exceeds the one of the threshold values.

Claim 13 recites counting Web page accesses. As discussed in section "A" (claim 2) above, a network device in Gaffaney not equivalent to a URL; Gaffaney is inapplicable to URL counting. Claim 13 recites comparing a threshold to a Web page access count. As discussed in section "A" above, Gaffaney's threshold is for a time interval, not for counts of URL/image accesses, and Gaffaney does not even count accesses. Finally, claim 13 recites setting an importance degree mark. As discussed above in section "A", Gaffaney does not set an importance degree mark when a threshold is met. Gaffaney at best displays some alert

information to an operator, but the displayed information is not explained.

G. Claim 16

Claim 16 recites features somewhat similar to claims 2 and 13, such as counting and storing URL accesses, comparing the count to a threshold, and setting an importance degree mark. Claim 16 also recites "storing a plurality of threshold numbers that are associated with the associated URL". That is to say, a particular URL has a plurality of thresholds associated with it. The Examiner rejected claim 16 based only on the rejection of claims 2-4. However, claims 2-4 do not recite claim 16's feature of "storing a plurality of threshold numbers that are associated with the associated URL". In effect, this feature has not been Examined. However, the lack of this feature in the cited art is explained as follows. Gaffaney is the only reference cited as providing a threshold. As explained previously, Gaffaney has only a time interval threshold for a network device. The use of multiple thresholds for a device in Gaffaney is not suggested or needed. As discussed at column 7 of Gaffaney, the user specifies the threshold each time it is to be checked. Only one threshold is "stored" at one time, and that is the current threshold specified by the user. Table 1 in Gaffaney lists examples of the different thresholds that can be used at different times.

H. Claim 19

Claim 19 is patentable over the cited art for reasons similar to those discussed above for claim 2. Claim 19 is very similar to claim 2, but specifies a browser rather than a viewer, and Web pages rather than images. As discussed above, Ryan is a server-based system, and counting URL accesses cannot be compared to accumulating network events as in Gaffaney.

I. Claim 21

Claim 21 recites a process performed by a browser or a terminal thereof. Claim 21 recites occurrences, which are abstractions intended to show chronology. An occurrence could

be a user selecting the URL, activating its indicia, etc. After a non-first access of a resource/URL, a first visual emphasis is displayed for the resource/URL's activatable indicia. After a later access, a second visual emphasis is displayed. There are two different visual emphases displayed after a first time accessing and displaying the resource/URL.

The rejection cites Finseth, column 8, lines 17-50, and column 10, lines 20-50. Although column 8 discusses shifting visual elements around the screen, it does not discuss displaying the user-activatable indicia of the same URL with different visual emphases at different accesses of the URL/resource. The visual emphasis of claim 21 is directed to the user-activatable indicia itself (e.g. a link in a web page or bookmark). Column 10 only restates the general idea in Finseth of presenting a thumbnail of a web page when the web page is listed in a search result list. Furthermore, the thumbnails in Finseth are server originated and are not controlled or set by the browser/terminal.

J. Claim 25

Claim 25 recites "A method of a browser displaying different user-activatable visual representations of a URL with increasing access-and-displays thereof by the browser", with at least 3 different access-and-displays and corresponding different visual representations (the "with or without" feature reflects that there may be variation in how many occurrences occur before there is a change to a visual representation, e.g., thresholds of 5 and 10). Claim 25 rejected on the same grounds as claim 21. Finseth has no discussion or suggestion of "displaying different user-activatable visual representations of a URL with increasing access-and-displays thereof by the browser". Neither Finseth nor any other cited reference discusses or suggests connecting a browser's accesses of an activatable URL with changing the visual representation of the activatable URL.

K. Claim 26

Claim 26 recites "wherein the different user-activatable visual representations are chosen, generated, or changed for display by counting occurrences of accesses-and-displaying

the resources that comprise web data corresponding to the URL". Claim 26 was rejected based only on the rejection of claim 2. The Ryan reference discloses only counts of URL accesses by a population of users at a search engine server, not a browser. Neither Finseth nor Gaffaney count URL accesses at a browser. The user-activatable visual representations in Finseth are only thumbnails and bear no relation to a browser's increasing access-and-displays of a URL.

L. Improper Combination

One basis for combining the prior references was the assumption that Gaffaney discloses "setting a mark when a count exceeds a threshold value". However, as shown above, Gaffaney does not detect a count exceeding a threshold. The count link between Gaffaney and Ryan does not exist and therefore this reason for their combination is not valid.

The combination is also incorrect because the motive to combine is too general. See, e.g., In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317(Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed"). MPEP § 2144.08 states that "[w]here applicable, the [Examiner's] findings should clearly articulate which portions of the *reference* [not combination] support any rejection. Explicit findings on motivation or suggestion to select the claimed invention should also be articulated in order to support a 35 U.S.C. 103 ground of rejection ... Conclusory statements of similarity or motivation, without any articulated rationale or evidentiary support, do not constitute sufficient factual findings." Furthermore, Ex parte Obukowicz, 27 USPQ2d 1063, 1065 (B.P.A.I. 1992) states that "The examiner can satisfy this burden [of showing obviousness] only by showing some objective teaching in the prior art ... *would lead that individual to combine* the relevant teachings of the references."

The rejection reasons that the combination is obvious "because it would provide convenient access to identifying information" (Office Action, page 3, bottom). If this over-general rationale leads to obviousness, then *any* invention that can be said to improve identification of information is obvious. However, this is clearly not the case. The motive is not specific as

required. Furthermore, the motive provided is deficient because it does not show why one would have been led to make the combination. The only benefit cited – improved access to identifying information – is not found in the prior art.

Furthermore, the prior art references are non-analogous and incompatible. The Ryan reference relates to web technology and web search engines. The Gaffaney reference relates to network event monitoring. Gaffaney monitors networking events such as failure of a network device, resource failure, system component failure, link or modem failures, etc. The network-level events in Gaffaney can occur independently of application-level URL activity and appear to occur in real time. One skilled in the art of web technology (Ryan) would not have looked to low-level network monitoring technology (e.g. Gaffaney) to improve high-level web servers or search engines (e.g. Ryan).

Ryan explicitly describes that its search results are uniform. In particular, Ryan mentions that "common characteristics of each [of] these different web page listings that have been described is that when they are displayed they appear substantially identical to one another. As shown in FIG. 25, each of the different listings 900, though the text may be different, is otherwise visually identical" (column 30, lines 25-37). Non-search result content 902 may have different display properties, but this content 902 is not the URLs that are counted by Ryan. The URL listings 900 are the URLs that are counted by Ryan (see column 31, lines 22-27). Ryan relies on search result ordering (by relevancy) to inform the user; importance degree marks are neither suggested nor necessary.

Finally, the combination lacks a motivation sufficiently based on prior art of record. To establish a prima facie case of obviousness based on multiple references, there must be some teaching that would have led one of ordinary skill in the art at the time of the invention to combine the references. MPEP § 2143.01; In re Thrift, 298 F3d. 1357, 1365, 63 U.S.P.Q.2d 2002, 2006 (Fed. Cir. 2002) (quoting In re Fine, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988)); In re Rouffet, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998). However, the Examiner has not identified the source of the motivation for adding either Gaffaney or Finseth. The Examiner appears to assert that the motivation is found somewhere in Gaffaney, stating "but Gaffaney et al do show displaying alert and information marks on a terminal display (column

4 lines 1-12 and 26-33) *to provide convenient access to the unique identifying information*". However, the latter half of the statement is not found in Gaffaney. This is the only reason given for adding Gaffaney to Ryan. Furthermore, Gaffaney is completely unrelated to counting URL accesses. Instead, Gaffaney is directed to monitoring a time span interval of spontaneous network alerts, and the devices that generate alerts do so on their own initiative without being accessed. Ryan and Gaffaney are in two distinctly different areas of art. The motive for combining Finseth is equally unsupported by any prior art of record. The only reason given is that "it would provide a way to conveniently display the URL associated images" (page 4, top). However, the source of this assertion is apparently the Examiner rather than prior art of record.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 24 JAN 2005

By: _____
James T. Strom
Registration No. 48,702

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on 24 JAN ,20 05
STAAS & HALSEY
By: _____
Date: 24 JAN 2005

CLAIMS APPENDIX (37 CFR § 41.37(c)(1)(viii))

1. (CANCELED)

2. (PREVIOUSLY PRESENTED) A viewer to display images on a display unit, the images being accessible by associated uniform resource locators (URLs), the viewer comprising:

a definition management note to store a number of times of display of any image which has been accessed by an associated URL; and

an importance degree control unit to count a number of times of display of any image accessed by the associated URL, wherein the importance degree control unit outputs the number for storage by the definition management note,

wherein the definition management note stores a plurality of URLs that are associated with a plurality of images, each of which respectively corresponds to at least one threshold value that is associated with the image, and

wherein the importance degree control unit executes a process of setting an importance degree mark, which is to be displayed for the associated URL on the display unit, when the counted number of times of display of any image accessed by the associated URL exceeds one of the corresponding stored threshold value associated with the image.

3. (ORIGINAL) A viewer as claimed in claim 2, wherein each of the threshold values stored in said definition management note have an associated displayable image as a counting object.

4. (PREVIOUSLY PRESENTED) A viewer as claimed in claim 3, said viewer being a browser that displays Web pages accessed via the Internet as the images,

wherein said definition management note defines an importance degree for each URL which has been accessed a number of times exceeding an associated threshold value, and

wherein said importance degree control unit executes a process corresponding to an importance degree mark for each URL having an associated importance degree.

5. (PREVIOUSLY PRESENTED) A viewer as claimed in claim 3, said viewer being a browser that displays Web pages accessed via the Internet as the images,

wherein an importance degree mark corresponding to an importance degree is defined for each URL stored in said definition management note, and

wherein said importance degree control unit selects processes for each of the importance degree marks depending on the number of times of display.

6. (PREVIOUSLY PRESENTED) A viewer as claimed in claim 3, said viewer being a browser that displays Web pages accessed via the Internet as the images,

wherein said importance degree mark is a program object that notifies users that a number of times of display of associated Web pages is indicated by a density of color, or by enhancing characters or images being displayed within the associated Web page.

7. (PREVIOUSLY PRESENTED) A viewer as claimed in claim 3, said viewer being a browser that displays Web pages accessed via the Internet as the images,

wherein said importance degree control unit updates the counted number of times of display of a corresponding Web page before the Web page is displayed with the browser, and

wherein said importance degree control unit executes a process designated by said importance degree mark on the basis of the counted number of times of display.

8. (PREVIOUSLY PRESENTED) A viewer as claimed in claim 3, said viewer being a browser that displays Web pages accessed via the Internet as the images,

wherein said importance degree control unit can add, change, and delete information in the definition management note relating to a Web page being displayed by said browser.

9. (PREVIOUSLY PRESENTED) A viewer as claimed in claim 2, wherein said viewer is a browser that displays Web pages accessed via the Internet as the images, the viewer further comprising:

an automatic registration control unit to register Web pages that have exceeded the stored threshold value to a bookmark.

10. (ORIGINAL) A viewer as claimed in claim 9, wherein said automatic registration control unit is provided with a sorting function to rearrange a registration sequence of Web pages in the bookmark depending on the number of times of display.

11. (ORIGINAL) A viewer as claimed in claim 10, further comprising:

an automatic page generating unit to automatically generate Web pages from corresponding URLs registered in the bookmark.

12. (PREVIOUSLY PRESENTED) A viewer as claimed in claim 2, wherein said viewer is a browser that displays Web pages accessed via the Internet as the images, the viewer further comprising:

an automatic registration control unit to register Web pages that have been displayed greater than a threshold value to a bookmark.

13. (PREVIOUSLY PRESENTED) A viewing method performed at a terminal for running a browser, the browser to display Web pages on a display unit of the terminal, the Web pages having associated URLs, the method comprising:

storing a plurality of threshold values for the associated URLs;

counting a number of times of display of a Web page accessed by an associated URL; and

executing a particular process when the counted number of times exceeds one of threshold values associated with the URL, said particular process including setting an importance degree mark, which is to be displayed for the associated URL on the display unit, when the counted number of times of display of the Web page exceeds the one of the threshold values.

14. (PREVIOUSLY PRESENTED) The viewing method according to claim 13, wherein the particular process notifies users that the threshold value of a number of times of display has been exceeded through display in a Web page.

15. (ORIGINAL) The viewing method according to claim 14, wherein the counted number of times of display of a corresponding Web page is updated before the Web page is displayed with the browser.

16. (PREVIOUSLY PRESENTED) A display method for displaying an image on a display unit, the image being accessible by an associated uniform resource locator (URL), the display method comprising:

storing a plurality of threshold numbers that are associated with the associated URL;

storing a number of times of display of the image that has been accessed by the associated URL; and

counting a number of times of display of the image accessed by the associated URL;

comparing the number of times of display of the image accessed by the associated URL with a threshold number associated with the associated URL; and

setting an importance degree mark, which is to be displayed for the associated URL on the display unit, when the counted number of times of display of the image that has been accessed by the associated URL exceeds the threshold number.

17. (PREVIOUSLY PRESENTED) The viewing method according to claim 16, wherein the counting counts a number of times of display of Web pages accessed with a browser via the Internet, the method further comprising:

registering a Web page which has been displayed greater than the threshold number to a bookmark.

18. (PREVIOUSLY PRESENTED) The viewing method according to claim 16, wherein said browser displays Web pages via the Internet, further comprising:

notifying users that a threshold value of a number of times of display has been exceeded through display in a Web page.

19. (PREVIOUSLY PRESENTED) A browser to display a Web page on a display unit, the Web page being accessed via the Internet by an associated URL, the browser comprising:

a definition management note to store a number of times of display of any Web page which has been accessed by an associated URL, wherein the definition management note stores a plurality of URLs, each of which respectively corresponding to at least one threshold values that are associated with the Web page; and

an importance degree control unit to count a number of times of display of any Web page accessed by the associated URL, wherein said importance degree control unit outputs the number for storage by said definition management note,

wherein the importance degree control unit executes a process of setting an importance degree mark, which is to be displayed for the associated URL on the display unit, when the counted number of times of display of any Web page accessed by the associated URL exceeds one of the corresponding stored threshold values associated with the associated URL.

20. (PREVIOUSLY PRESENTED) The browser according to claim 19, wherein

said importance degree control unit executes a process of an importance degree mark when the counted number of times of display of any Web page accessed by the associated URL exceeds one of the corresponding stored threshold values.

21. (PREVIOUSLY PRESENTED) A process, performed by a browser or a terminal hosting the browser, to allow display of user-activatable indicia of a resource previously loaded by the browser or terminal that is identified by a corresponding Uniform Resource Locator (URL), the process comprising:

on an occurrence, accessing-and-displaying a resource identified by the corresponding URL, where the accessing-and-displaying is not a first time accessing-and-displaying a resource identified by the corresponding URL;

at a time later than the occurrence, when displaying a user-activatable indicia of the URL, displaying the user-activatable indicia of the URL with a first visual emphasis that is based on the prior occurrence of accessing-and-displaying the corresponding resource;

on an other occurrence that is later than the occurrence, accessing-and-displaying the

same or another resource identified by the corresponding same URL; and

at a time later than the other occurrence, when displaying a user-activatable indicia of the URL, displaying the user-activatable indicia of the URL with a second visual emphasis that is based on the prior other occurrence of accessing-and-displaying the corresponding resource, where the second visual emphasis is different than the first visual emphasis.

22. (PREVIOUSLY PRESENTED) A process according to claim 21, further comprising:

on a further occurrence that is later than the other occurrence, accessing and displaying the same or another resource identified by the corresponding same URL; and

at a time later than the further occurrence, when displaying a user-activatable indicia of the URL, displaying the user-activatable indicia of the URL with a third visual emphasis that is based on the prior further occurrence of accessing or displaying the corresponding resource, where the third visual emphasis is different than the first and second visual emphases.

23. (PREVIOUSLY PRESENTED) A process according to claim 21, wherein the browser is adapted to load and display markup-language resources or documents and the resource identifiable by a corresponding URL comprises markup-language.

24. (PREVIOUSLY PRESENTED) A volatile or nonvolatile computer-readable storage storing information for causing a computer to perform a process according to claim 21.

25. (PREVIOUSLY PRESENTED) A method of a browser displaying different user-activatable visual representations of a URL with increasing access-and-displays thereof by the browser, the method comprising:

automatically displaying different user-activatable visual representations of the URL with each of 3 or more different occurrences of accessing-and-displaying web data corresponding to the URL, where user selection of a user-activatable visual representation of the URL causes corresponding web data to be accessed-and-displayed by the browser, where the access-and-display occurrences follow one another with or without intervening other occurrences of

accessing-and-displaying web data corresponding to the URL.

26. (PREVIOUSLY PRESENTED) A method according to claim 25, wherein the different user-activatable visual representations are chosen, generated, or changed for display by counting occurrences of accesses-and-displaying the resources that comprise web data corresponding to the URL.

EVIDENCE APPENDIX (37 CFR § 41.37(c)(2))

Not applicable.

RELATED PROCEEDINGS APPENDIX (37 CFR § 41.37(c)(2))

Not applicable.